

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
JOINT APPROPRIATIONS SUBCOMMITTEE
ROOM W015, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX
February 2, 2006**

Members Present: Sen. David L. Thomas, Co-Chair
Rep. David L. Hogue, Co-Chair
Sen. Brent Goodfellow
Sen. Darin Peterson
Rep. Douglas C. Aagard
Rep. Eric K. Hutchings
Rep. Brad King
Rep. Curtis Oda
Rep. Mark W. Walker
Rep. Larry B. Wiley

Staff Present: Gary Ricks, Fiscal Analyst
Derek Byrne, Fiscal Analyst
Carrie Griffith, Committee Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

Rep. Hogue called the meeting to order at 2:18 p.m.

MOTION: Sen. Thomas moved to approve the minutes of January 25, 2006 and January 30, 2006. The motion passed unanimously, with Sen. Peterson, Rep. Walker and Rep. Wiley absent for the vote.

H.B. 149 Law Enforcement Drug Task Force Funding (*Rep. E. Hutchings*)

Rep. Hutchings explained H.B. 149 to the committee.

Richard Ziebarth, Utah Commission on Criminal and Juvenile Justice, described the task force duties, responsibilities and programs available in the Department.

David Spatafore, Utah Chiefs of Police Association, distributed and discussed a handout titled "HB 149--Law Enforcement Drug Task Force Funding." Mr. Spatafore explained the bill and asked the committee to place the bill on the priority list for funding.

Priority List

A handout titled "EOCJ Priority List" was distributed. Sen. Thomas requested that the committee members make two separate lists and rank their top 15 personal priorities in both the Ongoing fund priorities and One-Time funding priorities.

Rep. Walker informed the committee of a Citizen's Communication Proposal for the Attorney General's Office. Dave Johnson, Assistant to the Attorney General, explained the program and asked the committee to place the proposal on the priority list for funding.

The following are items to be prioritized, in no particular order of importance.

MOTION: Rep. Aagard moved to place on the Priority List a One-Time Supplemental Request in the amount of \$150,000 for **Citizen's Communication, Attorney General's Office**. The motion passed unanimously.

MOTION: Sen. Thomas moved to place on the Priority List an Ongoing Request in the amount of \$27,500 for a 1/2 FTE attorney to help with the **State Records Committee, Attorney General's Office**. This motion would be contingent on whether or not SB 15 passes. The motion passed unanimously.

MOTION: Rep. Hutchings moved to place on the Priority List an Ongoing Request in the amount of \$50,100 for one FTE **Claims Technician, Department of Corrections**, to be funded out of funds from the Crime Victims Reparations fund. The motion passed unanimously.

MOTION: Rep. Hutchings moved to place on the Priority List an Ongoing Request in the amount of \$75,800 for one FTE **Juvenile Court Mediator, Courts**. The motion passed unanimously.

Sen. Thomas reminded committee members that the priority list tallies are adding up quickly. He asked everyone to keep in mind that there is only \$13 million available for ongoing funding and \$13 million in one-time funding.

MOTION: Rep. Hutchings moved that in the **Guardian ad Litem line item**, the General Fund restricted Children's Legal Defense fund be reduced by \$20,000 and the General Fund Restricted Guardian ad Litem Services account be increased by \$20,000. The motion passed unanimously.

MOTION: Rep. Hutchings moved that in the **Courts Administration** line item for the program Data Processing, the General Fund Restricted Account Online Court Assistance be increased by \$25,000, for a total of \$75,000 instead of \$50,000. The motion passed unanimously.

MOTION: Rep. Hutchings moved that the Governor's Office would be allowed to work with staff in restructuring the **Governor's Office line items**. The motion passed

unanimously.

Sandy Naegle, Governor's Office, explained the Exxon Oil Overcharge and the Stripper Well Restricted Account. She was asked to work with the Analysts in restructuring the Governor's Office line items.

MOTION: Rep. King moved to place on the Priority List a One-Time Request in the amount of \$125,400 for **Helicopter Services** for FY2007. The motion passed unanimously.

MOTION: Rep. King moved to change a prioritization from a previous meeting for **UHP laptops**. The requested amount would be a One-Time Request for \$750,000, instead of \$400,000, with the understanding it will not lapse and will go into a second year to replace half the computers. The motion passed unanimously.

MOTION: Rep. Oda moved to place on the Priority List an Ongoing Request for \$267,800 for **H.B. 146, Public Safety Retirement for Dispatchers (Rep. D. Bowman)**; \$219,600 for the General Fund, and \$48,200 for Dedicated Credits. The motion passed unanimously.

The Chairs answered questions raised by committee members concerning prioritization issues.

Fees

A handout was distributed titled "Current fee structure in appropriations bills, and Requested fee structure in appropriations bills.

MOTION: Sen. Thomas moved that the committee approve the **Notary Fees**, as recommended by the Governor's Office. The fees would be as follows: Notary Commission Filing Fee - \$30.00, Duplicate Notary Commission Fee - \$10.00, Domestic Notary Certification Fee - \$15.00/document; Apostil Fee - \$10.00/document, International Notary Certification Fee - \$15.00/document, International Public Document Certification Fee - \$5.00/document, Expedited Authentication Fees within two hours if presented before 3:00 p.m. - \$50.00/document, End of next business day - \$25.00/document. The motion passed unanimously.

MOTION: Sen. Thomas moved to approve the request from the **Department of Public Safety** fees, including the recommended fees, as presented in the handout titled "Department of Public Safety - Fees." The motion passed unanimously.

Division of Juvenile Justice Services

Derek Byrne, Fiscal Analyst, briefly explained a handout titled "Budget Brief--Juvenile Justice Services" and reviewed the Analyst's recommendations and budget details.

Rep. Hogue relinquished the chair to Sen. Thomas.

Dan Maldonado, Division Director, assisted by Rick Platt, Chief Administrative Officer, introduced several members of the Department and also Directors of Human Services. A handout titled "Legislative Presentation, Juvenile Justice Services Department of Human Services, February 2, 2006" was distributed and explained by Mr. Maldonado. An overview, including the duties, responsibilities and services of the Department were detailed.

Mr. Maldonado stated the Department's number one priority is funding for "Targeted Case Management (TCM)," in the amount of \$1,666,200, which replaces discontinued federal funding of case managers due to the repeal of Medicaid's TCM program and a one-time supplemental amount for \$833,100. Other requests were made, as stated in the above-mentioned handout. Mr. Maldonado responded to questions raised by the committee members concerning the Department's funding requests.

MOTION: Rep. Oda moved to place on the Priority List an Ongoing Request in the amount of \$1,666,200 and a One-Time Request in the amount of \$833,000 for **Targeted Case Management, Department of Juvenile Justice Services**. The motion passed unanimously, with Rep. Hogue and Rep. Hutchings absent for the vote.

Margaret Peterson, Youth Providers Association, Inc., distributed a handout titled "Youth Providers Association, Inc." and explained it to the committee. Funding is being requested to ease the financial burden the Association is experiencing.

Intent Language

Gary Ricks, Fiscal Analyst, explained a handout referring to intent language, which language is included in the following motion.

MOTION: Rep. Goodfellow moved "to adopt the intent language for nonlapsing status for all program line items for all agencies and budgets under the purview of the subcommittee for FY 2007. The language to be used will be the same approved by the subcommittee during the 2005 General Session for FY 2006." The motion passed unanimously.

Sen. Thomas relinquished the chair to Rep. Hogue.

Derek Byrne, Fiscal Analyst, described the State policy on 12-passenger vans and presented the following intent language:

"It is the intent of the Legislature that: the Utah Correctional Industries' Internal Service Fund may add up to three vehicles beyond the authorized level if new business opportunities present themselves; any increases in costs will be paid for out of UCI profits; and any added vehicles will be reviewed and approved by the Legislature in the next Legislative session."

"It is the intent of the Legislature that the Division of Institutional Operations may add up to three vehicles beyond the authorized level to address changes in the rules governing the number of passengers permitted in 12-passenger vans. The new vehicles will be purchased using non-lapsing funds. This authorization is effective beginning in FY06 and any added vehicles will be reviewed and approved by the Legislature in the next Legislative session."

MOTION: Sen. Thomas moved to approve both of the intent languages as presented and stated in the above two paragraphs. The motion passed unanimously.

MOTION: Sen. Goodfellow moved to adopt the following intent language: "It is the intent of the Legislature that in Fiscal year 2007 the Judicial Council is authorized to create a court commissioner position for the 3rd District Court with funds appropriated for the purpose." The motion passed unanimously.

Dan Becker, State Court Administrator, explained the intent language of the previous motion and explained the importance of using this language in a motion.

MOTION: Rep. Hutchings moved to adopted the following intent language: "It is the intent of the Legislature that the Department of Corrections be authorized to expend monies to provide electronic-based alternatives to incarceration." The motion passed unanimously.

MOTION: Sen. Peterson moved to move \$144,800 from Transfers--Other Agencies to Transfers--Human Services in the Department of Corrections, and to shift \$944,500 from the Corrections Programs and Operations line item to the Medical Services line item. The motion passed unanimously.

Federal Funds Report

Gary Ricks, Fiscal Analyst, briefly explained a handout titled "Federal Funds Request Summary Totals by Agency, Fiscal Years 2006 and 2007," and asked committee members to review the report and vote on items that pertain to this committee.

MOTION: Sen. Thomas moved to approve the Federal Funds Request Summary Report, as presented by staff, for each agency within the purview in the committee. The motion passed unanimously, with Sen. Peterson absent for the vote.

Sen. Thomas asked committee members to fill out their priority list and give it to the Analysts before leaving the meeting today. Staff was asked to make a new priority list and email it to the committee members for review during the weekend.

Mark Shurtleff, Attorney General, addressed the committee and clarified issues regarding Dept. of Human Resource Management policy and FTEs. Committee expressed thanks for clarifying this issue.

MOTION: Rep. Wiley moved to adjourn. The motion passed unanimously, with Sen. Peterson absent for the vote.

Rep. Hogue adjourned the meeting at 4:02 p.m.

Sen. David. L. Thomas, Co-Chair

Rep. David L. Hogue, Co-Chair